DOCUMENT RESUME

ED 317 472 SO 020 678

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TITLE In the Child's Best Interest: A Primer on the U.N. Convention on the Rights of the Child. New Edition-Revised Text.
INSTITUTION Defense for Children International-USA, New York, NY.; Foster Parents Plan International, East Greenwich, RI.
REPORT NO ISBN-0-943965-11-X
PUB DATE 89
NOTE 70p.
AVAILABLE FROM Defense for Children International-USA, 210 Forsyth Street, New York, NY 10002.
PUB TYPE Books (010) -- Reports - Descriptive (141)

EDRS PRICE MF01 Plus Postage. PC Not Available from EDRS.
DESCRIPTORS Adolescents; *Child Advocacy; *Childhood Needs; Children; *Childrens Rights; Child Welfare; *Civil Liberties; International Cooperation; *International Law; International Organizations; *Justice
IDENTIFIERS United Nations Convention on Rights of the Child

ABSTRACT

The purpose of this book is to explain the United Nations Convention on the Rights of the Child, which sets standards for the protection and care of children. No country protects the rights of all its children or provides them with an adequate standard of health care, education, day care, housing and nutrition, or properly protects them from abuse, neglect and exploitation. Further political commitment to the protection of children, in the form of a legal code, is needed. In 1988, the U.N. Commission on Human Rights, aided by the intergovernmental bodies and many international voluntary organizations, drafted the U.N. Convention on the Rights of the Child, and the second draft has now been completed. Human rights are the fundamental freedoms and protections to which all human beings are entitled. The general rule is that children are afforded the same basic rights as adults, but, because they are especially vulnerable, they require special rights to protect them and to meet their unique needs. The United Nations Convention on the Rights of the Child consolidates existing international law on children and establishes new standards. The Convention defines the rights and needs of children in terms of social, economic and cultural rights, as well as their civil and political rights. These are categorized under: (1) the right to survival; (2) the right to protection; and (3) the right to develop. It is vital that governments and the public be made aware of the Convention and its provisions. A summary of the draft articles and the complete text of the Convention are included in Appendixes I and II. The text is illustrated with children's drawings. (AS)

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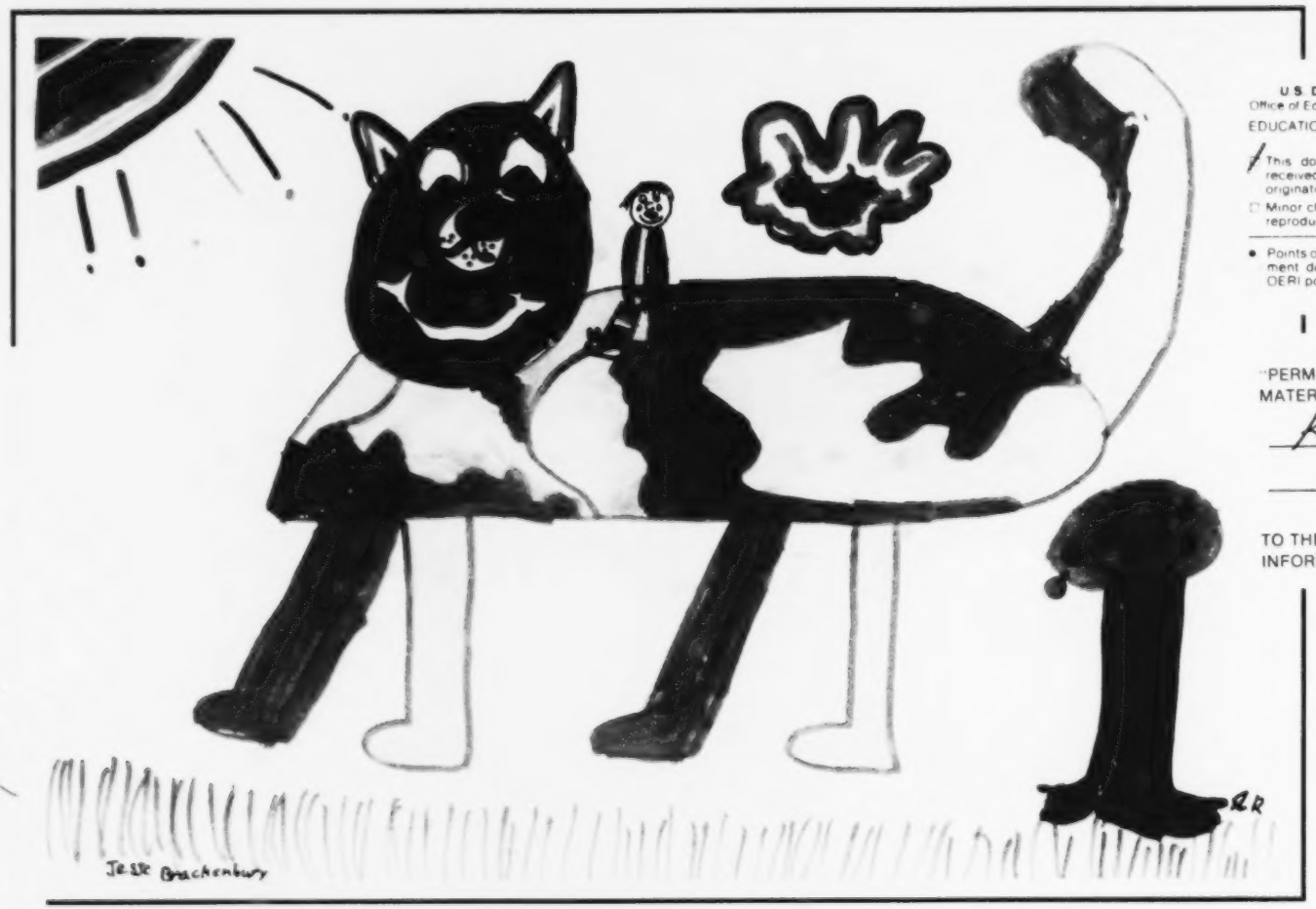
In the Child's Best Interest



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A Primer on the U.N. Convention on the Rights of the Child

by Kay Castelle

NEW EDITION
Revised Text

In the Child's Best Interest

**A Primer on the
U.N. Convention on
the Rights of the Child**

New Edition
Revised Text

by Kay Castelle

**Foster Parents Plan International
Defence for Children International**

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Edited by Henry Molumphy

ISBN 0-943965-11-X

The original edition of *In the Child's Best Interest: A Primer on the U.N. Convention on the Rights of the Child* was published in 1988 by Foster Parents Plan International, Inc. and Defense for Children International-USA. This new edition reflects changes made to the draft of the Convention by the U.N. Commission on Human Rights since the first publication date.

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Published by:

Foster Parents Plan International, Inc.
804 Quaker Lane
East Greenwich, RI 02818

Defense for Children International-USA
210 Forsyth Street
New York, NY 10002

Corrigendum

Page 45

Delete paragraphs 10 bis, 11 and 12 of Article 43.

Replace the deleted paragraphs with the following paragraphs:

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.

These revisions were made at the final meeting of the Third Committee on November 15, 1989, before the adoption of the Convention by the U.N. General Assembly on November 20, 1989.

Foreword

James P. Grant, Executive Director, UNICEF

The care and protection of children is a practice and an ethic rooted deep in the wisdom and culture of all societies. That children are among the most vulnerable is undeniable; from birth their very survival depends on us providing the food, the clothing, the warmth and shelter, as well as the love and tenderness they need. During their formative years, guidance and nurture, companionship, and health and education are added to these basic needs.

All this is so obvious and deep-rooted that most people take it for granted, and over this last century, national responsibilities for child care and protection have evolved further and wider. Many countries now have legislation defining child rights and parental obligations, and many have set up social services to provide for children when those rights and obligations are neglected or violated.

Yet internationally, concern and responsibility have lagged far behind personal or national sensitivities and commitments. Public awareness and thinking too often stop at national boundaries.

Since the International Year of the Child, in 1979, however, there has been a major international initiative to examine the rights of children from an international perspective, and to create a body of international law that sets standards for the protection and care of all our children.

The United Nations Convention on the Rights of the Child sets these standards, and it is my fervent hope that all nations will subscribe to the provisions contained in this document.

Foster Parents Plan International and Defense for Children International-USA have done an excellent job in producing a book that explains this Convention in terms that everyone can understand. I urge all adults and children to read it.

Acknowledgments

A special thanks to the young artists who contributed their work to make this book possible.

Cover painting by Jesse Brackenbury was contributed by the Elementary School Center, New York, New York.

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Pages 14 and 28: Drawings contributed by Foster Parents Plan International.

Foster Parents Plan International

Foster Parents Plan International (PLAN) is a private voluntary organization founded in 1937 which provides development assistance to over 500,000 needy children, their families and their communities through 81 development programs in 27 developing countries of Asia, Africa and Latin America.

Child sponsorship is the vehicle by which the financial and moral support of donors in Australia, Belgium, Canada, West Germany, Japan, the Netherlands, the United Kingdom and the United States is mobilized in support of PLAN's work. Additional support is provided by grants from the governments of Australia, Canada, the United Kingdom and the United States.

Each sponsored child belongs to a family in great need. The child is never removed from the family; rather, the child's environment is strengthened through programs in health, education, community development and small enterprise development. PLAN's programs and services are designed to ensure tangible results, active community participation and eventual self-sufficiency.

PLAN has consultative status with the Economic and Social Council of the United Nations and UNICEF.

Defence for Children International

Defence for Children International was founded in Geneva, Switzerland in 1979, the International Year of the Child. It is an independent, grassroots human rights organization with a mission to promote and protect the rights of the child through concerted, international action. DCI has grown to be a worldwide membership movement, working for children through its 25 national sections and individual supporters in fifty countries.

DCI has brought to the attention of the world the deplorable conditions suffered by the millions of children subjected to forced labor, prostitution, pornography, torture, trafficking, execution and kidnapping. It has published information on children's rights and worked for improved national and international legislation and its implementation.

DCI has helped thousands of children by investigating and acting on individual cases of abuse, neglect and exploitation at the national and international levels. It has undertaken investigations on global issues of special concern and taken direct action on behalf of groups of children whose rights have been violated

DCI has consultative status with the Economic and Social Council of the United Nations, UNICEF and the Council of Europe.

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The Protection of Children: A Global Need

The situation of many children, both in this country and abroad, remains critical, and in some countries is likely to worsen in the coming decade. The reality is that **no country** protects the rights of all of its children or provides them with an adequate standard of health care, education, day care, housing and nutrition, or properly protects them from abuse, neglect and exploitation.

no country protects the rights of all its children

Each day, more than 38,000 children die from a lack of food, shelter or primary health care. More than 100 million children work under hazardous and often fatal conditions. More than 80 million homeless children live on the streets of the world's cities.

War has a particularly devastating effect on children. There are more than 10 million child refugees around the world. Children can be incarcerated with adults, or forcibly recruited into the armed services as a matter of routine policy. They are tortured in front of their parents, sentenced to death and even executed.

Millions more are being abused and sexually exploited—sometimes by the very adults who have the duty to protect them. It is inexcusable that in order to survive, even one child should be forced into prostitution, pornography or slavery in a world of plenty.

exploited by the very adults who have the duty to protect them

Racial and religious discrimination against children and their families remain serious problems.

Yet there is hope. Modern advances in medical technology, coupled with concerted international political action, for example, were able to eradicate smallpox, a major killer of children. International campaigns are underway to attempt to eliminate six other life-threatening diseases.

a political commitment to the protection of children

What is now needed is a further political commitment to the protection of children – one that will provide us with the legal code necessary to prevent these flagrant abuses and define children's welfare as one of international justice rather than charity.

In December of 1988, the U.N. Commission on Human Rights, aided by inter-governmental bodies and many international voluntary organizations, completed the drafting of the *U.N. Convention on the Rights of the Child.*

The second draft of this human rights legislation is now complete. It is now up to caring adults to lend their support and make the rights it offers a reality.

What is meant by "human rights"?

Human rights are the fundamental freedoms and protections to which all human beings are entitled – rights which are the basis of the just customs and laws common to all societies throughout the world. It is recognized that all human beings are born free and equal in dignity and rights, that they are endowed with reason and conscience and that they should act towards one another in a spirit of brotherhood.

In 1948 these concepts were enshrined in the Universal Declaration of Human Rights – the foundation of all modern international human rights law. It affirms the need for special rights for children, stating, *"motherhood and childhood are entitled to special care and assistance."*

The Universal Declaration of Human Rights

(summary)

All human beings have the right:

- to life, liberty and the security of person
- to freedom from slavery and discrimination
- to a family and to marry
- to own property
- to a nationality and to participate in government
- to education, work, rest and leisure
- to an adequate standard of living and security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond their control

What is a United Nations Convention?

consensus of nations

A U.N. Convention (or *covenant*) is a legal document setting out universally acceptable standards, agreed among nations by consensus.

A U.N. Convention is first adopted by all the member governments sitting together in the U.N. General Assembly. Individual nations signify their intention to comply with the provisions and obligations it contains by *ratifying* it and making it law.

Human rights may also be contained in a *declaration* – such as the 1959 *Declaration of the Rights of the Child*. A U.N. declaration is a written set of agreed general principles. Unlike a convention, however, a declaration is merely advisory, and is less binding on nations.

Why special rights for children?

children are especially vulnerable

The general rule is that children are afforded the same basic rights as adults. However, because of their physical and mental immaturity, children are especially vulnerable and require special rights to protect them and to meet their unique needs.

It is because of this immaturity that children must postpone the exercise of some civil rights until they become adults – so increasing the obligation on adults to ensure that the rights of the child are defended.

The U.N. Convention on the Rights of the Child

establishes new standards

International law for the protection of children's rights has been developing since the beginning of the century and is contained, piecemeal, in more than a hundred international treaties and declarations. The proposed *United Nations Convention on the Rights of the Child* consolidates the existing international law on children and establishes new standards to meet needs not previously addressed. It is one of the most comprehensive documents since the *Universal Declaration of Human Rights.*

addresses the needs of children from all societies

The original text of the *Convention on the Rights of the Child* was submitted to the United Nations by the government of Poland in 1978, as their contribution to the International Year of the Child. The proposal was then referred to a 42-nation working group of the U.N. Commission on Human Rights for re-drafting. Over the next nine years, the representatives of these governments, aided by international organizations concerned with the welfare of children, reached a consensus on a text which now addresses the needs of the children from all societies, races, religions and ideologies.

The proposed Convention is due to be placed before the United Nations General Assembly for adoption in the fall of 1989. After the Convention has been adopted, it must be ratified by a minimum of 20 countries in order to become international law.

protects the rights of children of every country

It is crucial that as many governments as possible show their commitment to protect the rights of children in their own countries, as well as the rights of children of every country in the world – by supporting this Convention and making it international law.

How does the Convention define the Rights of the Child?

The Convention defines the rights and needs of children from a wide perspective, and outlines the duties and responsibilities of governments and other adults to children and their families. The Convention deals with children's social, economic and cultural rights, as well as their civil and political rights.

social, economic and cultural; civil and political

The Rights of the Child can be broadly categorized under three main headings:

- **The Right to Survival** – through the provision of adequate food, shelter, clean water and primary health care;
- **The Right to Protection** – from abuse, neglect and exploitation, including the right to special protection in times of war; and,
- **The Right to Develop** – in a safe environment, through the provision of formal education, constructive play, advanced health care and the opportunity to participate in the social, economic, religious and political life of the culture – free from discrimination.

survival, protection and development

A summary of the Convention on the Rights of the Child is included in Appendix I of this book; the complete text of the Convention is included in Appendix II.

How will the Convention promote and defend children's rights?

a body of law on children's rights

- Those governments which ratify the Convention signify their determination to ensure that their domestic laws meet the standards set in the Convention, to enforce those laws and to establish the recommended services. Depending on the constitution of the ratifying country, the Convention itself may be included in the national law and be cited in the courts by judges and attorneys. If enough countries ratify the Convention, it will become a guide to interpreting law even in those countries that do not ratify it.

a permanent forum on the rights of the child

- A monitoring system is written into the Convention; it provides for the appointment of a Committee of ten experts to be elected by the ratifying countries. This Committee will review the obligatory progress reports from ratifying nations on their compliance with the Convention. To help with this review, the opinions of specialized organizations may be sought.

  The Committee will report to the U.N. General Assembly on countries' progress towards meeting their obligations and make recommendations for improving performance and obtaining assistance. This information may be relayed to UNICEF, other U.N. agencies or donor countries, with a view to promoting international cooperation in the resolution of acknowledged problems.

a vehicle for mobilization

- The Convention will be used for teaching children about their own rights and about the rights of children in other lands; it will be used by grass-roots organizations to demand justice for children; and it will unite people everywhere, mobilizing them for action in a worldwide movement for the rights of the child.

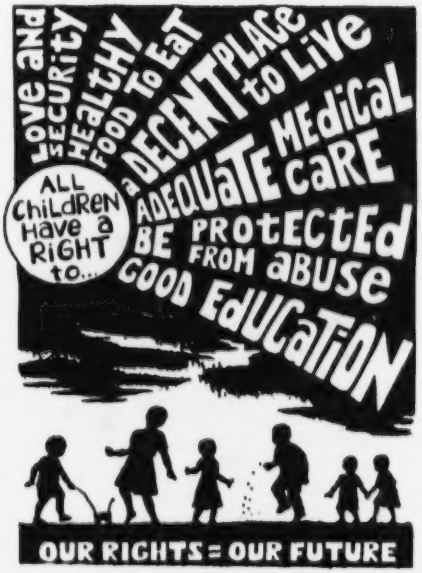
A CALL FOR ACTION

The Convention on the Rights of the Child will be a landmark in human rights legislation for children. Your help is needed to make this Convention a reality. It is vitally important that as many people as possible become aware of the Convention and the provisions it contains. Information about the Convention must be broadcast to governments, international organizations, national and community groups and the general public – **including children**.

What can you do to help?

- Write to your legislators, telling them what the Convention can do for children and urging them to support its implementation and ratification by your country;
- Lead discussions on the rights of the child with religious groups, parent teachers associations, unions, business associations and clubs, urging them to work to promote the Convention;
- Band together with a group of friends or associates to form a local chapter of a national or international organization promoting children's rights;
- Ensure that children are aware of the provisions that exist to protect them, and teach them about peace, universal brotherhood and human rights;
- Ask your local school authority to include the rights of the child in the school curriculum;
- Keep abreast of children's issues, both locally and nationally. How does your country's foreign policy affect children?

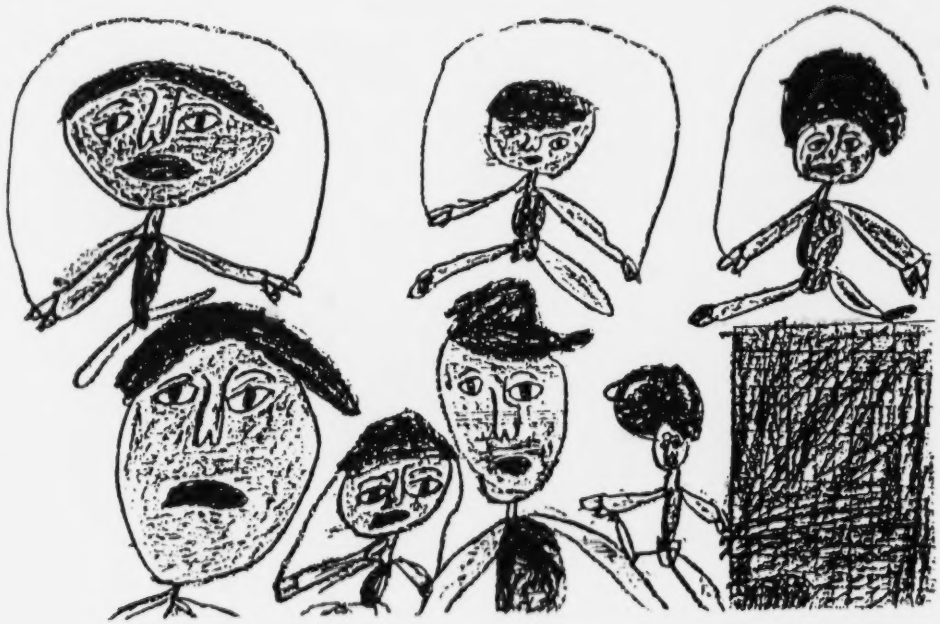
Governments and the public must be convinced that it is important to support this Convention!


LOVE AND SECURITY
HEALTHY FOOD TO EAT
A DECENT PLACE TO LIVE
ADEQUATE MEDICAL CARE
BE PROTECTED FROM ABUSE
GOOD EDUCATION
ALL CHILDREN HAVE A RIGHT TO...
OUR RIGHTS = OUR FUTURE

Molo Songololo — South Africa

The Rights of the Child

Definition of a Child



Kopo – Japan

The Convention states . . .

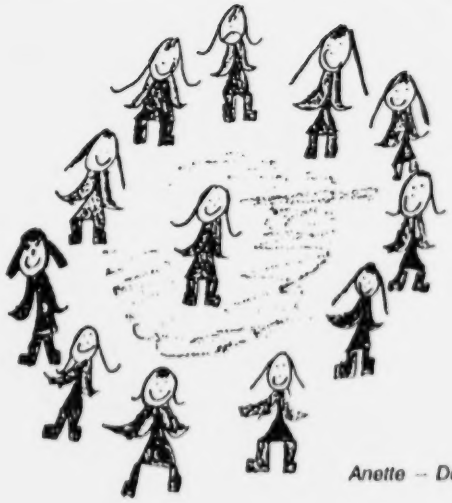
A child is every human being below the age of 18 years, unless he or she has attained the age of majority earlier.

See Article 1

The Best Interests of the Child

Who speaks for the child?

- Politicians are duty-bound to care for children as a class – yet over the past ten years, the public budget share for education, juvenile justice, public health, social welfare and other services for children has decreased in almost every country in the world.
- Families and other adults are duty-bound to care for the child – yet reports of child abuse and exploitation are increasing at an alarming rate.
- Child care professionals are duty-bound to care for the child – yet decisions are often made on a child's future without the child ever being consulted.



Anette – Denmark

The Convention states . . .

The best interests of the child shall be a primary consideration in all judicial and administrative actions concerning children. A child capable of forming his or her own views shall have an opportunity to be heard in judicial or administrative proceedings.

The State shall ensure competent supervision of personnel of institutions directly responsible for the care of children.

See Articles 3 and 12

Freedom from Discrimination

The Convention states . . .

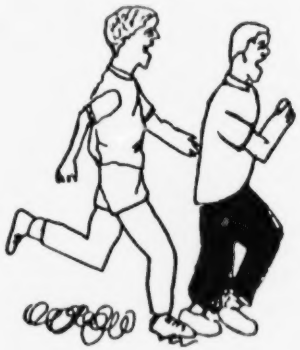
All rights set forth in this Convention shall be extended to each child, irrespective of the child's, or his or her parent's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other basis.

The State shall ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions or beliefs of his or her family.

See Article 2

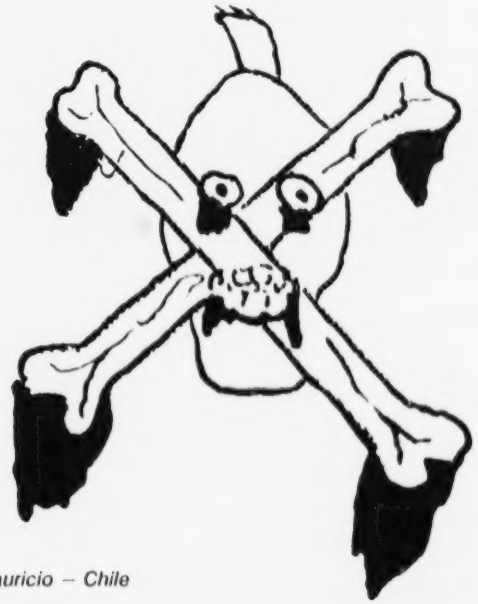
- Children living in the same country may be denied the rights other children enjoy, simply because they are of a different sex, race, class, culture or creed.
- Girls may be denied equal schooling and nutrition, simply because they are female.
- Children may be denied housing because of the color of their skin.
- In many countries, governments circumvent their own anti-discrimination laws by allocating fewer funds for the provision of services in areas where minorities live.
- In South Africa, black children are denied equal access to school, college, employment, health care and justice. When children object, they are targeted for torture and death.

Mokgethi – South Africa



Survival and Development

- More than 38,000 children die every day due to a lack of food, shelter or primary health care.
- Infanticide, the deliberate killing of a child shortly after birth, is still practiced in certain cultures.
- The taking of children's lives – either deliberately or negligently – by police officers or other government officials is reportedly common in many countries.



Mauricio – Chile

The Convention states . . .

Every child has the inherent right to life, and the State shall ensure to the maximum extent possible the survival and development of the child.

See Article 6

Name and Nationality

Robin – United States

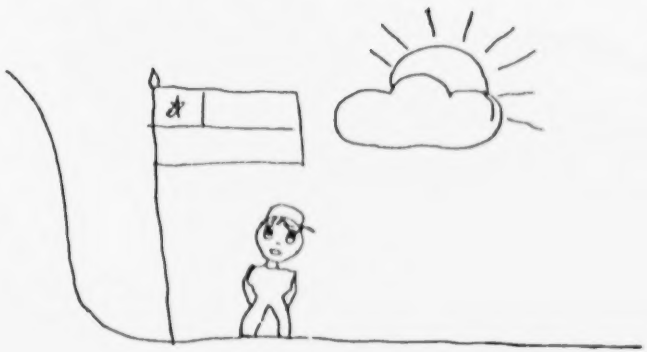
- No one can claim their rights unless they can also establish a legally-recognized identity. Many rights – especially economic rights – are also dependent on the nationality of the claimant or his or her family.
- In many cases, children are denied the right of nationality even in the country in which they were born.
- Some religious sects refuse to register the births of children – so depriving them of their legal name and nationality.
- Human rights organizations continually receive reports of the abuse of children identified only by names such as "Shoeshine" or "¡Chaj!" (Hey, you!).

The Convention states . . .

The child has the right to a name, to acquire a nationality, and, as far as possible, to know and be cared for by his or her parents.

The State shall provide protection and assistance in re-establishing identity when a child is illegally deprived of it.

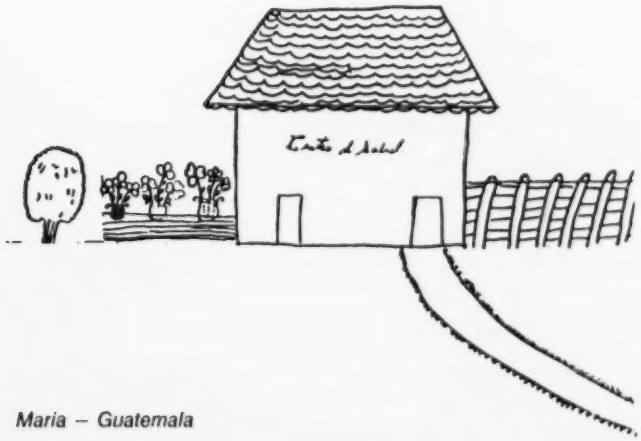
See Articles 7 and 8



Marisa – Chile

Health and Health Services

- Dehydration caused by diarrhea kills 3 million children a year. In the large majority of cases, prevention of dehydration and malnutrition caused by diarrhea is within the power of the parent – if the parent is informed of the low-cost health practices to follow.
- Approximately 800,000 infants die each year of neonatal tetanus, which can be prevented simply by immunizing the mother-to-be.
- Approximately 300,000 children die each year of whooping cough because they did not receive a full course of DPT injections.
- Over 11 million children in the United States have no health insurance and lack adequate access to health care.



Maria – Guatemala

The Convention states . . .

The child has a right to the highest attainable standard of health and to medical and rehabilitation facilities. The State shall take appropriate measures to: diminish infant and child mortality; ensure the provision of necessary medical assistance and health care; combat disease and malnutrition; ensure health care for expectant mothers; develop preventive health care and family planning education and services.

The State shall take measures to abolish traditional practices prejudicial to the health of children.

See Article 24

Standard of Living

- More than one billion people – the majority of them children – either have no home or live in inadequate housing.
- There are 13 million children living in poverty in the U.S.; an estimated half million children go to bed hungry.
- Besides enduring deplorable living conditions, children who live in poverty have great difficulty gaining access to services and opportunities readily accessible to children who are better off.

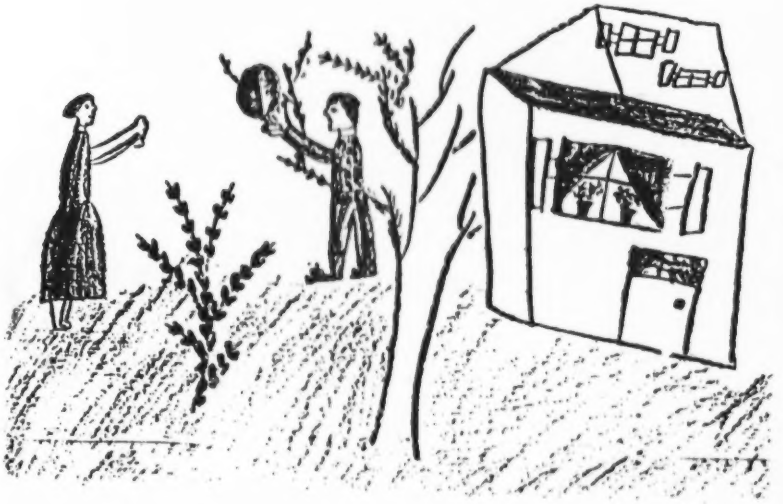
The Convention states . . .

Every child has the right to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

The child's parents or guardians have the primary responsibility to secure the conditions of living necessary for the child's development; the State shall assist parents to implement this right and, in case of need, provide assistance with regard to nutrition, clothing and housing.

The child has the right to benefit from social security.

See Articles 27 and 26



Stephan – Germany

Parental Care

- It is universally recognized that the rights of children are best provided within a protective and nurturing family – barring exceptional circumstances.

Laura – Chile

The Convention states . . .

Both parents have common responsibilities for the upbringing and development of the child. Parents or guardians have the primary responsibility, with the best interests of the child as their basic concern.

The State shall give assistance in this regard and ensure the development of institutions, facilities and services for the care of children. The State shall ensure that children of working parents benefit from child care services.

The State shall respect the responsibilities, rights and duties of parents or guardians and provide appropriate direction and guidance in the exercise by the child of the rights recognized in the Convention.

Children have the right to live with their parents unless this is incompatible with the child's best interests. A separated child has the right to maintain contact with both parents; the State shall provide information when separation results from State action.

See Articles 18, 5 and 9

Children without Families

- Adoption is the preferred alternative when the biological parents are unable to care for their children. Foster care is intended to be an interim placement for children who will either be returned to their families or placed for adoption. Institutional care should only be a last resort.
- At any given time in the U.S., there are two million couples seeking to adopt. Yet, while there are only 50,000 children available for adoption, there are as many as 276,000 children in foster care, some of whom spend up to six years in this situation.
- The great demand for young, healthy children for adoption has created a high-priced, illegal traffic in children. Babies have been stolen from their parents in poor countries and sent abroad to alien cultures, in order to meet this demand.

The Convention states . . .

A child temporarily or permanently deprived of his or her family environment, or who cannot be allowed to remain in his or her own best interests, shall be entitled to special protection and assistance and alternative family care.

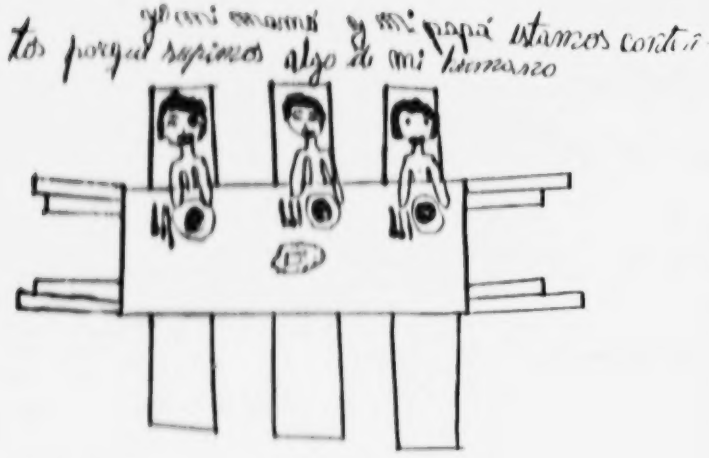
The State shall facilitate and regulate the process of adoption and shall prevent the abduction, sale and trafficking of children.

See Articles 20, 21 and 35

Olive – Greenland

Family Reunification

- There are still many examples of children being refused permission to visit a parent who lives in a country of a differing ideology.
- There is growing concern over the number of children who are being abducted from the lawful custody of one parent by the other and taken across national boundaries. The abducting parent may then seek a new custody hearing, resulting in a conflict between jurisdictions. Few countries have demonstrated their willingness to resolve these conflicts in the best interests of the child.



Susana – Chile

The Convention states . . .

The child has the right to leave or enter any country and to maintain regular contact for family reunification.

The State shall try to combat the illicit transfer and non-return of children abroad.

See Articles 10 and 11

Education

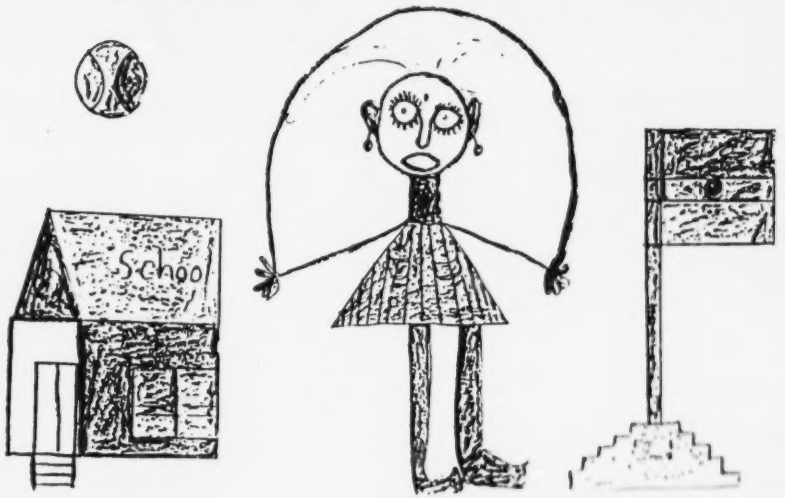
- In many countries, because of a shortage of teachers, children are left out of the educational system entirely.
- Where primary education may be available to all children in a country, secondary schooling may be available only to the children of the ruling elite.
- Many children attend schools where teachers speak in a language the children don't understand.
- Corporal punishment has been banned in most European schools—in Poland, since 1783. It is still practiced in Japan and many other countries, often resulting in severe injuries, including death.

The Convention states . . .

The child has a right to free and compulsory primary education, equal access to secondary and higher education and school discipline which reflects the child's human dignity.

The State shall ensure that education is directed at developing the child's personality and talents; preparing the child for responsible life in a free society; and developing respect for the child's parents, basic human rights, the natural environment and the child's own cultural and national values and those of others.

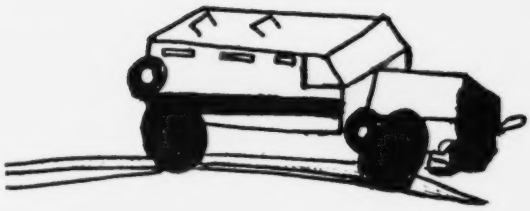
See Articles 28 and 29



Adeline — India

Armed Conflicts

- In many current-day conflicts, more than 90% of the victims are women and children.
- A significant percentage of these deaths are not accidental; children are frequently targets of government and guerrilla attacks.
- Children in armed conflicts throughout the world are being recruited as soldiers – trained to kill others and being killed themselves.
- Surviving children suffer loss of family members, displacement, reduced access to health and educational services and extreme psychological damage.



Irvin – South Africa

Alejandro – Guatemala

The Convention states . . .

The State shall ensure: respect for the rules of international humanitarian law applicable in armed conflicts and relevant to the child; that no child under 15 takes a direct part in hostilities; that no child under 15 is recruited into the armed forces, with priority given to the oldest of those between 15 and 18 years of age; that all children affected by armed conflict benefit from protection and care.

See Article 38

Refugee Children

- There are more than 10 million child refugees around the world, comprising 60% to 70% of the refugee population.
- Malnutrition, chronic infectious diseases, physical and mental retardation are widespread in refugee camps.
- Many children, often separated from their parents, have spent their whole lives in closed refugee camps, encircled by gun towers and barbed wire.

Annelise – Denmark

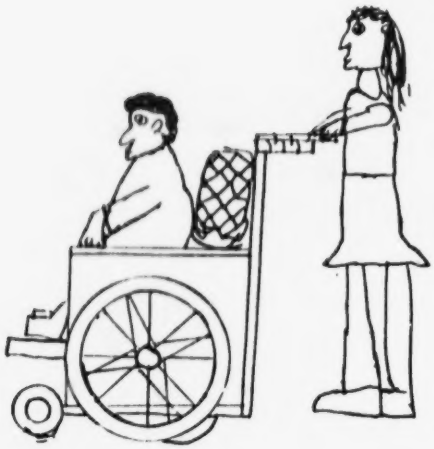
The Convention states . . .

The State shall: ensure special protection and assistance to children who are refugees, or are seeking refugee status; cooperate with refugee organizations in efforts to protect and assist such children and to trace the parents or close relatives of any refugee child in order to obtain information necessary for reunification.

See Article 22

Disabled Children

- Disabled children are the object of universal discrimination.
- In some societies, they are murdered; in others, they are hidden from public view.
- Throughout the world, disabled children are even denied those rights afforded other children, because governments do not invest in the services necessary to meet their special needs.



Rene — United States

The Convention states . . .

A mentally or physically disabled child has the right to a full and decent life in conditions which ensure dignity, promote self reliance and facilitate active participation in the community. The State shall provide special care, free of charge, whenever possible, to ensure that the disabled child receives education, training, and services leading to the fullest possible social integration and individual development.

See Article 23

Abuse and Exploitation

- Improved reporting procedures have made it abundantly clear that the abuse of children, including sexual abuse, is a problem of major proportion in all levels of society.
- In England and Wales, reports of physical abuse increased by 70% between 1979 and 1984 – to a high of 7,038 cases.
- Over 1.9 million children were reported abused and neglected in North America in 1986 – an increase of more than 50% since 1981.
- Child prostitutes, readily available from among the growing number of street children, are forced into this type of slavery by poverty. They remain in demand throughout both the industrialized and developing worlds.

The Convention states . . .

The State shall protect children from all forms of physical and mental abuse, neglect or exploitation, including sexual abuse, child prostitution and participation in child pornography, and all other forms of exploitation prejudicial to the child's welfare.

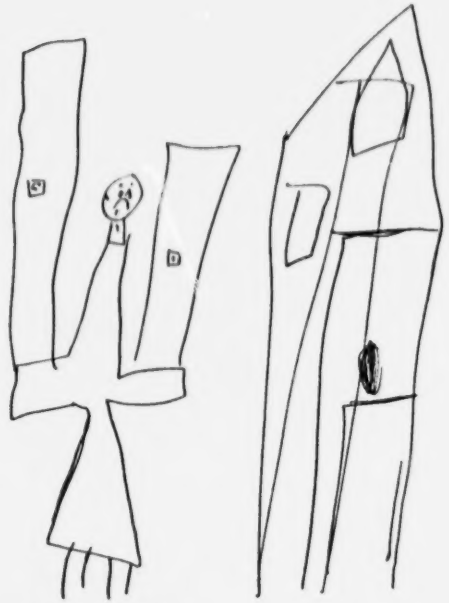
The State shall provide preventive and treatment programs in this regard.

See Articles 19, 34 and 36

Juan – Guatemala

Child Labor

- Over 100 million children throughout the world are forced to work under hazardous and often fatal conditions; many are employed under slave-like conditions for no pay.
- Children forced to work are deprived of their education and leisure time and are often separated from their families.



Sonia – United States

The Convention states . . .

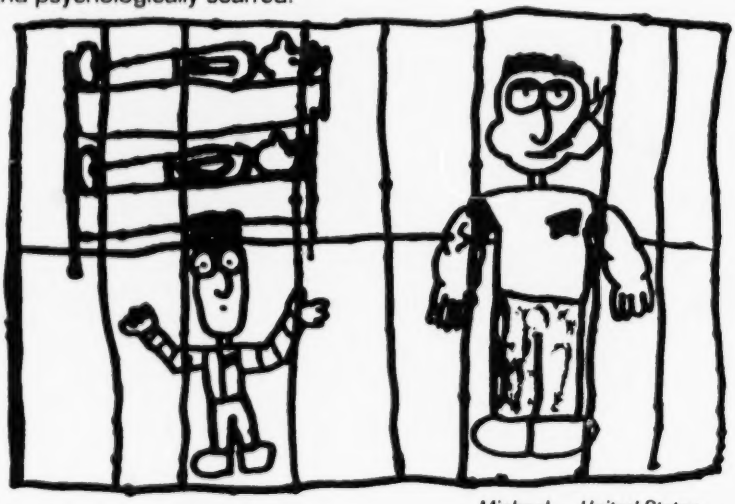
The child has a right to be protected from economic exploitation and from performing any work that may interfere with the child's education, be harmful to his or her health or physical, mental, spiritual, moral or social development.

The State shall take legislative and administrative measures to provide for minimum ages for employment, regulation of hours and conditions of employment and appropriate penalties for the effective enforcement of these regulations.

See Article 32

Juvenile Justice

- It was not until 1988 that the U.S. Supreme Court decided it was unconstitutional to sentence 15-year-old children to death; 16- and 17-year-old children are still being sent to death-row.
- In Hong Kong, children are routinely sentenced to be flogged.
- There are many cases on record of children being tortured, either to elicit a confession or to obtain details of political accomplices. Some children have been tortured in front of their parents; others have been forced to witness the torture of their parents.
- Legal representation for poor children appearing before the courts is rare – resulting in harsher sentences than for more affluent children charged with similar crimes.
- Children detained with adults are routinely raped. Adult prisons are unsuitable to children's needs and school them in crime.
- Children often leave institutions physically and psychologically scarred.



Michael – United States

The Convention states . . .

The State shall ensure that children are protected from: torture or other cruel, inhuman or degrading treatment; capital punishment or life imprisonment; and unlawful or arbitrary deprivation of liberty.

Accused children have the right to be treated with dignity, presumed innocent until proven guilty in a prompt and fair trial and detained separately from adults. They have a right to legal or other assistance and to maintain contact with family. Alternatives to institutional care shall be made available.

See Articles 37 and 40

Narcotics

- In Peru, authorities report that a high percentage of the "green children" – so called because the addiction to coca paste discolors their skin – started on this drug at the age of six or seven.
- The University of Chile reports that 10% of all male children between the ages of 7 and 17 in Chile are addicted to neoprene, and that children resort more and more to the inhalation of solvents as a means of mitigating hunger pangs.
- In the U.S., children as young as 10 or 11 are being introduced to crack, a particularly addictive form of cocaine. An escalating problem is the increasing rate at which children are born addicted to drugs – now conservatively estimated at 3,000 children per year.

Robert – United States

The Convention states . . .

The State shall ensure that the child is protected from the illegal use of narcotics and psychotropic substances, and prevent the child from being used in the illegal production and trafficking of such substances.

See Article 33

Rehabilitative Care

Olive – Greenland

- Children who have been exploited may suffer such severe physical and psychological damage that years of rehabilitation may be necessary for even a partial recovery.
- Many exploited children who are capable of being rehabilitated continue to languish in institutions simply because their cases are never reviewed after admission.

The Convention states . . .

The State shall promote the physical and psychological recovery and social re-integration of child victims of abuse, neglect, exploitation, torture or armed conflicts in an environment which fosters the health, self-respect and dignity of the child.

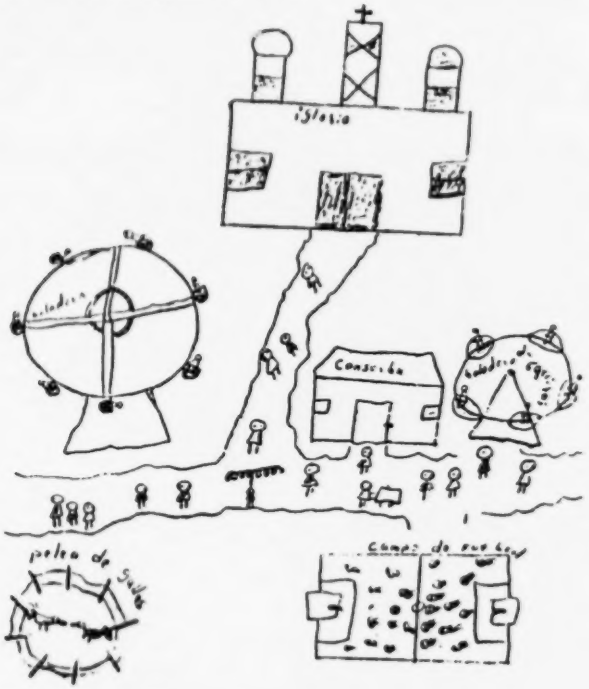
A child who has been placed for the purposes of care, protection or treatment of his or her physical or mental health has a right to a periodic review of all aspects of placement provided.

See Articles 39 and 25

Anna – Italy

Freedom of Thought, Conscience and Religion

- In many countries, governments forbid the teaching of a belief system that is contrary to their own religion or ideology.
- Children of ethnic or religious minorities have been persecuted to the point of death.



Rene Alberto – Guatemala

The Convention states . . .

The child has a right to freedom of thought, conscience and religion. The State shall respect the rights of parents or guardians to provide direction in the exercise of this right.

Children of minority communities and/or of indigenous origin have the right to enjoy their own culture, practice their own religion and use their own language.

See Articles 14 and 30

Freedom of Expression and Information

- In almost every society, there are examples of children who have peacefully assembled to make their views known being beaten or shot.

Michael – United States

The Convention states . . .

The child has the right to: express an opinion freely and have that opinion heard; seek, receive and impart information and ideas of all kinds, through any media; freedom of association and peaceful assembly.

The State recognizes the importance of the mass media and shall ensure that the child has access to information from a diversity of national and international sources.

See Articles 12, 13, 15, and 17

Protection of Privacy

- Respect for a child's privacy is essential for proper emotional development.
- Indiscriminate data banking and careless sharing of information can subject children prone to being mislabeled to unfair judgements by schools and courts.

Sonia – United States

The Convention states . . .

The child has a right not to be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor or reputation. The child has a right to protection of the law against such interference or attacks.

See Article 16

Leisure and Recreation

- Children need time to play in order to develop properly.

Mitsura – Japan

The Convention states . . .

Children have a right to rest and leisure, to engage in play and recreational activities and to participate freely in cultural life and the arts.

The State shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

See Article 31

DRAFT U.N. CONVENTION ON THE RIGHTS OF THE CHILD — Unofficial Summary of Articles

Part I

Abuse & Neglect — Article 19

The State to protect children from all forms of abuse, neglect and exploitation by parents or others, and to undertake preventive and treatment programs in this regard.

Adoption — Article 21

The State to regulate the process of adoption (including intercountry adoption), where it is permitted.

Armed Conflicts — Article 38

The State to respect international humanitarian law, ensure that no child under 15 takes a direct part in hostilities, refrain from recruiting any child under 15 into the armed forces and ensure that all children affected by armed conflict benefit from protection and care.

Best Interests of the Child — Article 3

The best interests of the child to prevail in all legal and administrative decisions; the State to ensure the establishment of institutional standards for the care and protection of children.

Child Labor — Article 32

The right to be protected from economic exploitation and from engaging in work that constitutes a threat to health, education and development; the State to set minimum ages for employment, regulate conditions of employment and provide sanctions for effective enforcement.

Children of Minorities — Article 30

The right of children of minority communities and/or of indigenous origin to enjoy their own culture, practice their own religion and use their own language.

Children without Families — Article 20

The right to receive special protection and assistance from the State when deprived of family environment and to be provided with alternative family care, such as foster placement or Kafala of Islamic Law, adoption or institutional placement.

Definition of Child — Article 1

Every person under 18, unless national law grants majority at an earlier age.

Disabled Children — Article 23

The right of disabled children to special care and training designed to help achieve self-reliance and a full and decent life in society.

Education — Article 28

The right to education; the State to provide free and compulsory primary education, ensure equal access to secondary and higher education and ensure that school discipline reflects the child's human dignity.

Education, Aims of — Article 29

The States Parties' agreement that education be directed at: developing the child's personality and talents; preparing the child for responsible life in a free society; developing respect for the child's parents, basic human rights, the natural environment and the child's own cultural and national values and those of others.

Exploitation, Other — Article 36

The State to protect children from all other forms of exploitation.

Exploitation, Sexual — Article 34

The State to protect the child from sexual exploitation and abuse, including prostitution and involvement in pornography.

Family Reunification — Article 10

The right to leave or enter any country and to maintain contact with both parents.

Free Expression of Opinion — Article 12

The child's right to express an opinion in matters affecting the child and to have that opinion heard.

Freedom of Association — Article 15

The right to freedom of association and freedom of peaceful assembly.

Freedom of Conscience, Religion — Article 14

The right to manifest religion or beliefs; State to respect the rights of parents or guardians to provide direction in the exercise of this right.

Freedom of Information — Article 13

The right to seek, receive and impart information through any media.

Freedom from Discrimination Article 2

Rights in this Convention to apply to all children without exception; the State to protect children from any form of discrimination or punishment based on family's status, activities or beliefs.

Health Care Article 24

The right to the highest attainable standard of health and access to medical services; the State to attempt to diminish infant and child mortality, combat disease and malnutrition, ensure health care for expectant mothers, provide access to health education, develop preventive health care and abolish harmful traditional practices.

Illicit Transfer and Non-Return Article 11

The State to combat the illicit transfer and non-return of children abroad.

Implementation of Rights Article 4

The State to translate the rights in this Convention into actuality.

Juvenile Justice Article 40

The right of accused children to be treated with dignity. The State to ensure that: no child is accused by reason of acts or omissions not prohibited by law at the time committed; every accused child is informed promptly of the charges, presumed innocent until proven guilty in a prompt and fair trial, receives legal assistance and is not compelled to give testimony or confess guilt; alternatives to institutional care are available.

Leisure & Recreation Article 31

The right to leisure, play and participation in cultural and artistic activities.

Media & Information Article 17

The State to ensure access to information and material from a diversity of national and international sources.

Name & Nationality Article 7

The right to a name and to acquire a nationality; the right to know and be cared for by parents.

Narcotics Article 33

The State to protect children from illegal narcotic and psychotropic drugs and from involvement in their production or distribution.

Parental Care & Non-Separation Article 9

The right to live with parents unless this is deemed incompatible with the child's best interests; the right to maintain contact with both parents; the State to provide information when separation results from State action.

Parental Responsibilities Article 18

The State to recognize the principle that both parents are responsible for the upbringing of their children and that parents or guardians have primary responsibility; the State to assist parents or guardians in this responsibility and to ensure the provision of child care for eligible working parents.

Parental Responsibility, Respect for Article 5

The State to respect the rights of parents or guardians to provide direction to the child in the exercise of the rights in this Convention.

Periodic Review Article 25

The right of children placed by the State for reasons of care, protection or treatment to have all aspects of that placement reviewed regularly.

Preservation of Identity Article 8

The right to preserve or re-establish the child's identity (name, nationality and family ties).

Protection of Privacy Article 16

The right to protection from interference with privacy, family, home or correspondence, or attacks on honor and reputation.

Refugee Children Article 22

The State to ensure protection and assistance to children who are refugees or are seeking refugee status, and to cooperate with competent organizations providing such protection and assistance.

Rehabilitative Care Article 39

The State to promote the physical and psychological recovery and social reintegration of child victims of abuse, neglect, exploitation, torture or armed conflicts in an environment which fosters the health, self-respect and dignity of the child.

Sale & Trafficking Article 35

The State to prevent the abduction, sale and trafficking of children.

Social Security Article 26

The right, where appropriate, to benefit from social security or insurance.

Standard of Living Article 27

The right to an adequate standard of living; the State to assist parents who cannot meet this responsibility and to try to recover maintenance for the child from persons having financial responsibility, both within the State and from abroad.

Supremacy of Higher Standards Article 41

The standards contained in this Convention not to supercede higher standards contained in national law or other international instruments.

Survival & Development Article 6

The child's right to life; the State to ensure the survival and maximum development of the child.

Torture and Capital Punishment Article 37

The State to protect children from: torture or other cruel, inhuman or degrading treatment; capital punishment or life imprisonment; and unlawful or arbitrary deprivation of liberty. The right of children deprived of liberty to be treated with humanity and respect, to be separated from adults, to maintain contact with family members and to have prompt access to legal assistance.

Part II

Committee on the Rights of the Child Article 43

Election of a Committee on the Rights of the Child to examine the progress made by States Parties in achieving their obligations under this Convention and establishment of rules of procedure.

Implementation of Convention Article 45

The right of the specialized agencies and UNICEF to be represented at Committee proceedings; the prerogative of the Committee to invite competent bodies to provide expert advice, to request the Secretary-General to undertake studies and to make recommendations.

Public Awareness Article 42

States to make the rights in this Convention widely known to both adults and children.

Reports by States Article 44

States to submit to the Committee reports on measures adopted which give effect to rights in this Convention and on progress made in the enjoyment of those rights, and to make the reports widely available to the public in their own countries.

Part III

Accession Article 48

This Convention to be open for accession by any State.

Amendments Article 50

Provision for amending this Convention if approved by the General Assembly of the U.N. and accepted by a two-thirds majority of States Parties; binding on those States Parties which have accepted it.

Authentic Text Article 54

Arabic, Chinese, English, French, Russian and Spanish texts of this Convention to be equally authentic.

Denunciation Article 52

Provision for denunciation of this Convention by a State Party to become effective one year after date of receipt.

Depositary Article 53

Designation of the Secretary-General of the U.N. as the depositary of this Convention.

Entry into Force Article 49

This Convention to enter into force on the thirtieth day after the twentieth instrument of ratification or accession deposited with the Secretary-General.

Ratification Article 47

This Convention to be subject to ratification.

Reservations Article 51

Provision for States to make certain permitted reservations on specific articles.

Signature Article 46

This Convention to be open for signature by all States.

DRAFT U.N. CONVENTION ON THE RIGHTS OF THE CHILD

Full text of articles adopted by the U.N. Commission on Human Rights in March 1989.

Preamble

The States Parties to the present Convention,

- *CONSIDERING that in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,*
- *BEARING IN MIND that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,*
- *RECOGNIZING that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,*
- *RECALLING that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,*
- *CONVINCED that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,*
- *RECOGNIZING that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,*
- *CONSIDERING that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,*
- *BEARING IN MIND that the need for extending particular care to the child has been stated in the Geneva Declaration on the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the United Nations in 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in its article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,*
- *BEARING IN MIND that, as indicated in the Declaration of the Rights of the Child adopted by the General Assembly of the United Nations on 20 November 1959, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,",*
- *RECALLING the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally (General Assembly resolution 41/85 of 3 December 1986); the United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules") (General Assembly resolution 40/33 of 29 November 1985); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict (General Assembly resolution 3318 (XXIX) of 14 December 1975),*
- *RECOGNIZING that in all countries in the world there are children living in exceptionally difficult conditions, and that such children need special consideration,*
- *TAKING DUE ACCOUNT of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,*
- *RECOGNIZING the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,*

Have agreed as follows:

Part I

ARTICLE 1

For the purposes of the present Convention a child means every human being below the age of 18 years

unless, under the law applicable to the child, majority is attained earlier.

ARTICLE 2

1. States Parties shall respect and ensure the rights set forth in this Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

ARTICLE 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff as well as competent supervision.

ARTICLE 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in this Convention. In regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

ARTICLE 5

States Parties shall respect the responsibilities, rights, and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

ARTICLE 6

1. States Parties recognize that every child has the inherent right to life.

2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

ARTICLE 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.

2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

ARTICLE 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.

2. Where a child is deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to speedily re-establishing his or her identity.

ARTICLE 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.

2. In any proceedings pursuant to paragraph 1, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.

3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests.

4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

ARTICLE 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under Article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

ARTICLE 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

ARTICLE 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

ARTICLE 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.

2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) for respect of the rights or reputations of others; or

(b) for the protection of national security or of public order (*ordre public*), or of public health or morals.

ARTICLE 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.

2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.

3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.

ARTICLE 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.

2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (*ordre public*), the protection of public health or morals or the protection of the rights and freedoms of others.

ARTICLE 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.

2. The child has the right to the protection of the law against such interference or attacks.

ARTICLE 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

(a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;

(b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;

(c) Encourage the production and dissemination of children's books;

(d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;

(e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being bearing in mind the provisions of articles 13 and 18.

ARTICLE 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.

3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.

ARTICLE 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment, and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

ARTICLE 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia*, foster placement, Kafala of Islamic Law, adoption, or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

ARTICLE 21

1. States Parties which recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) recognize that intercountry adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot

in any suitable manner be cared for in the child's country of origin;

(c) ensure that the child concerned by intercountry adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) take all appropriate measures to ensure that, in intercountry adoption, the placement does not result in improper financial gain for those involved in it;

(e) promote, where appropriate, the objectives of this article by concluding bilateral or multilateral arrangements or agreements and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

ARTICLE 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable rights set forth in this Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

ARTICLE 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance, and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child.

3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development.

4. States Parties shall promote in the spirit of international co-operation the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

ARTICLE 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. The States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality,

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care,

(c) To combat disease and malnutrition including within the framework of primary health care, through *inter alia* the application of readily available technology and through the provision of adequate nutritious foods and clean drinking water, taking into consideration the dangers and risks of environmental pollution,

(d) To ensure appropriate pre- and post-natal health care for expectant mothers,

(e) To ensure that all segments of society, in particular parents and children, are in-

formed, have access to education and are supported in the use of, basic knowledge of child health and nutrition, the advantages of breast-feeding, hygiene and environmental sanitation and the prevention of accidents,

(f) To develop preventive health care, guidance for parents, and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in this article. In this regard, particular account shall be taken of the needs of developing countries.

ARTICLE 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection, or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

ARTICLE 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

ARTICLE 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties in accordance with national conditions and within their means shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements as well as the making of other appropriate arrangements.

ARTICLE 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

(a) make primary education compulsory and available free to all;

(b) encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;

(c) make higher education accessible to all on the basis of capacity by every appropriate means;

(d) make educational and vocational information and guidance available and accessible to all children;

(e) take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international co-operation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

ARTICLE 29

1. States Parties agree that the education of the child shall be directed to:

(a) the development of the child's personality, talents, and mental and physical abilities to their fullest potential;

(b) the development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) the development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) the development of respect for the natural environment.

2. No part of this article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principles set forth in paragraph 1 of this article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

ARTICLE 30

In those states in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

ARTICLE 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to fully participate in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

ARTICLE 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of this article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) provide for a minimum age or minimum ages for admissions to employment;

(b) provide for appropriate regulation of the hours and conditions of employment; and

(c) provide for appropriate penalties or other sanctions to ensure the effective enforcement of this article.

ARTICLE 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

ARTICLE 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

(a) the inducement or coercion of a child to engage in any unlawful sexual activity;

(b) the exploitative use of children in prostitution or other unlawful sexual practices;

(c) the exploitative use of children in pornographic performances and materials.

ARTICLE 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction, the sale of or traffic in children for any purpose or in any form.

ARTICLE 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

ARTICLE 37

States Parties shall ensure that:

(a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below 18 years of age;

(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be used only as a measure of last resort and for the shortest appropriate period of time;

(c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of their age. In particular every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his/her family through correspondence and visits, save in exceptional circumstances;

(d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance as well as the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority and to a prompt decision on any such action.

ARTICLE 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of 15 years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 years but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

ARTICLE 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social re-integration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and re-integration shall take place in an environment which fosters the health, self-respect and dignity of the child.

ARTICLE 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's re-integration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions which were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

i) to be presumed innocent until proven guilty according to law;

ii) to be informed promptly and directly of the charges against him or her, and if appropriate through his or her parents or legal guardian, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

iii) to have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

iv) not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

v) if considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

vi) to have the free assistance of an interpreter if the child cannot understand or speak the language used;

vii) to have his or her privacy fully respected at all stages of the proceedings.

3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and in particular:

(a) the establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

ARTICLE 41

Nothing in this Convention shall affect any provisions that are more conducive to the realization of the rights of the child and that may be contained in:

(a) the law of a State Party; or

(b) international law in force for that State.

Part II

ARTICLE 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

ARTICLE 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.

2. The Committee shall consist of 10 experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by the States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution as well as to the principal legal systems.

3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.

4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating the States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.

5. The elections shall be held at meetings of the States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two-thirds of the States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.

6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election the names of these five members shall be chosen by lot by the Chairman of the meeting.

7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the

State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.

8. The Committee shall establish its own rules of procedure.

9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at the United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

10 *bis*. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

11. [With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from the United Nations resources on such terms and conditions as the Assembly may decide.] **or**

[States Parties shall be responsible for the expenses of the members of the Committee while they are in performance of Committee duties.]

[12. The States Parties shall be responsible for expenses incurred in connection with the holding of meetings of the States Parties and of the Committee, including reimbursement to the United Nations for any expenses, such as the cost of staff and facilities, incurred by the United Nations pursuant to paragraph 10 *bis* of this article.]

ARTICLE 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) within two years of the entry into force of the Convention for the State Party concerned,

(b) thereafter every five years.

2. Reports made under this article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not in its subsequent reports submitted in accordance with paragraph 1(b) repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly of the United Nations through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

ARTICLE 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, UNICEF and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, UNICEF and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas falling within the scope of their respective mandates. The Committee may invite the specialized agencies, UNICEF and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities.

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, UNICEF and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance along with the Committee's observations and suggestions, if any, on these requests or indications.

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child.

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44

and 45 of this Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

Part III

ARTICLE 46

The present Convention shall be open for signature by all States.

ARTICLE 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

ARTICLE 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

ARTICLE 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that within four months from the date of such communication at least one-third of the States Parties favour such a conference, the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly of the United Nations for approval.

2. An amendment adopted in accordance with paragraph (1) of this article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of this Convention and any earlier amendments which they have accepted.

ARTICLE 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to this effect addressed to the Secretary-General of the United Nations who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General.

ARTICLE 52

A State Party may denounce this Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

ARTICLE 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

ARTICLE 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

In witness thereof the undersigned plenipotentiaries, being duly authorized thereto by their respective Governments, have signed the present Convention.

Done at...this...day of...198....

Aus$ 7.60
Can$ 7.25
Dfls 12.50
DM 11.00
NZ$ 9.70
UK£ 3.50
US$ 5.95

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